

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Advanced Television Systems and Their)	MM Docket No. 87-268
Impact upon the Existing Television)	
Broadcast Service)	

COMMENTS OF UNIVISION COMMUNICATIONS INC.

Univision Communications Inc. (“Univision”), by its attorneys, hereby submits these Comments in response to the Commission’s *Seventh Further Notice of Proposed Rule Making* in the above-captioned proceeding.¹ The *Seventh Further Notice* invites public comment on the DTV Table of Allotments proposed by the Commission in the above-referenced proceeding, as well as the timing of the adoption and effective date of the ultimate DTV Table of Allotments. As discussed below, Univision supports the adoption of the proposed DTV Table of Allotments for the digital television stations of which it is the ultimate parent company, with the exception of the allotment proposed for WFUT-DT, Newark, New Jersey, for which Univision herein requests an alternative digital channel allotment.

I. WITH THE EXCEPTION OF THE CURRENTLY PROPOSED CHANNEL ALLOTMENT FOR WFUT-DT, PROMPT ADOPTION OF THE PROPOSED DTV TABLE OF ALLOTMENTS WILL SERVE THE PUBLIC INTEREST

Univision is the ultimate parent company of the licensees and stations listed on the attached Exhibit 1. Univision supports the adoption of the DTV Table of Allotments as proposed in the *Seventh Further Notice*, with the exception of the allotment for WFUT-DT discussed

¹ *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Seventh Further Notice of Proposed Rulemaking, FCC 06-150, MB Docket 87-268 (Oct. 20, 2006) (“*Seventh Further Notice*”).

further below, and hereby files these Comments in support of the DTV channels and allotments proposed for the Univision stations contained in Appendix B of the *Seventh Further Notice*.

The *Seventh Further Notice* also requests comment on the timing of the adoption and effective date of the DTV Table of Allotments.² Univision believes that bringing certainty to the channel assignment process through prompt adoption of the DTV Table of Allotments will benefit the public. At the conclusion of the public comment and reply period, Univision strongly urges the Commission to review the comments filed on an expedited basis and move swiftly to finalize channel assignments as efficiently and quickly as possible. The Commission's prompt action in finalizing and adopting the DTV Table of Allotments will allow stations the certainty regarding their final channels that they need in order to move forward and bring the DTV transition to the prompt conclusion mandated by Congress.

Stations whose post-transition channel assignments will require them to change their current digital operations, as well as stations whose channels will not change but which must coordinate with those making channel changes, will benefit from certainty with respect to assignments. A definitive DTV Table of Allotments will allow both sets of stations to begin concrete planning -- including the preparation of the construction permit applications, modification applications, and/or Special Temporary Authority requests -- necessary to implement digital operations on their post-transition DTV channel.

² *Seventh Further Notice* at ¶ 16.

II. UNIVISION REQUESTS AN ALTERNATIVE CHANNEL FOR WFUT-DT, NEWARK, NEW JERSEY, IN ORDER TO REDUCE THE LOSS OF SERVICE THAT WILL BE CAUSED BY MOVING TO THE STATION'S CURRENTLY PROPOSED CHANNEL

Univision hereby respectfully requests an alternative channel assignment for WFUT-DT, Newark, New Jersey.³ The *Seventh Further Notice* provides for a change of tentative channel designation (“TCD”) if the “licensee [is] unable to construct full, authorized DTV facilities on the TCDs that they requested and received because, in order to avoid causing impermissible interference to other TCDs and still obtain their preferred channel, they had to agree to construct facilities on the TCDs that are smaller than those to which they had certified on FCC Form 381.”⁴

WFUT-TV’s analog channel is an out-of-core channel, Channel 68. WFUT-DT is one of the few stations in the nation that was assigned a second out of core channel for its transitional digital operations, Channel 53. As a station with two out-of-core channels located in one of the most congested metropolitan areas in the nation, the channels available for WFUT-DT’s post-transition operation were nearly nonexistent. Only by entering into a Negotiated Channel Agreement with co-owned station WXTV(TV), Paterson, New Jersey, was WFUT-DT able to secure an in-core channel assignment of Channel 41. During the conflict resolution process, however, WFUT-DT was required to file an engineering proposal to resolve an interference conflict and reduce its proposed ERP for post-transition operation on Channel 41. As a result, digital operation on Channel 41 will not allow WFUT-DT to construct and operate the full authorized facilities to which it certified on its FCC Form 381, with a resulting loss of service to

³ WFUT-TV, Newark, New Jersey is licensed to Univision New York LLC. Univision Communications Inc. is the ultimate parent company of Univision New York LLC.

⁴ *Seventh Further Notice* at ¶ 25.

540,759 people. Accordingly, the station meets the requirements to request an alternative digital channel.⁵

As demonstrated in the engineering exhibit attached hereto as Exhibit 2, since WFUT-DT's initial election, Channel 30 has become available for use by WFUT-DT. Operation on Channel 30 will both resolve the interference concerns that led to the reduction in ERP on Channel 41 and allow the station 98.7% replication of the facilities authorized by its now licensed digital construction permit to which the station certified. Substituting Channel 30 for WFUT-DT's current TCD will maintain service to some 304,269 people that would lose service were WFUT-DT required to operate on Channel 41. The public interest would therefore be served by the substitution of Channel 30 for Channel 41 as WFUT-TV's permanent digital channel allotment.

⁵ *Seventh Further Notice* at ¶ 25. On November 5, 2004, WFUT-TV filed its FCC Form 381 and certified that it would construct and operate its post-transition DTV station pursuant to the facilities specified in its digital construction permit, BMPCDT-20030805AIT. *See* FCC File No. BCERCT-20041105BAM.

Conclusion

For all the foregoing reasons, Univision respectfully urges the Commission to assign DTV Channel 30 to WFUT-DT, Newark, New Jersey in accordance with the parameters set out in the attached Exhibit 2, and thereupon to act expeditiously to issue the final DTV Table of Allotments as otherwise proposed in the *Seventh Further Notice*.

Respectfully submitted,

UNIVISION COMMUNICATIONS INC.

By: /s/_____

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EXHIBIT 1

KAKW-TV, Killeen, Texas (FIN: 148), KAKW License Partnership, L.P.
KDTV(TV), San Francisco, California (FIN: 33778), KDTV License Partnership, G.P.
KFPH-TV, Flagstaff, Arizona (FIN: 41517), Telefutura Partnership of Flagstaff
KFSF-TV, Vallejo, California (FIN: 51429), Telefutura San Francisco LLC
KFTH-TV, Alvin, Texas (FIN: 60537), Telefutura Houston LLC
KFTR-TV, Ontario, California (FIN: 60549), Telefutura Los Angeles LLC
KFTU-TV, Douglas, Arizona (FIN: 81441), Telefutura Partnership of Douglas
KFTV(TV), Hanford, California (FIN: 34439), KFTV License Partnership, G.P.
KMEX-TV, Los Angeles, California (FIN: 35123), KMEX License Partnership, G.P.
KNIC-TV, Blanco, Texas (FIN: 125710), Univision Television Group, Inc.
KSTR-TV, Irving, Texas (FIN: 60534), Telefutura Dallas LLC
KTFD-TV, Boulder, Colorado (FIN: 57219), Spanish Television of Denver, Inc.
KTFF-TV, Porterville, California (FIN: 35512), Telefutura Fresno LLC
KTFK-TV, Stockton, CA (FIN: 20871), Telefutura Sacramento LLC
KTFQ-TV, Albuquerque, New Mexico (FIN: 57220), Telefutura Albuquerque LLC
KTVW-TV, Phoenix, Arizona (FIN: 35705), KTVW License Partnership, G.P.
KUTH(TV), Provo, Utah (FIN: 81451), Univision Television Group, Inc.
KUVE-TV, Green Valley, Arizona (FIN: 63927), Univision Television Group, Inc.
KUVI-TV, Bakersfield, California (FIN: 7700), KUVI License Partnership, G.P.
KUVN-TV, Garland, Texas (FIN: 35841), KUVN License Partnership, L.P.
KUVS-TV, Modesto, California (FIN: 58609), KUVS License Partnership, G.P.
KWEX-TV, San Antonio, Texas (FIN: 35881), KWEX License Partnership, L.P.
KXLN-TV, Rosenberg, Texas (FIN: 53847), KXLN License Partnership, L.P.
WAMI-TV, Hollywood, Florida (FIN: 60536), Telefutura Miami LLC
WFDC-TV, Arlington, Virginia (FIN: 69532), Telefutura D.C. LLC
WFTT-TV, Tampa, Florida (FIN: 60559), Telefutura Tampa LLC
WFTY-TV, Smithtown, New York (FIN: 60553), Univision New York LLC
WGBO-TV, Joliet, Illinois (FIN: 12498), WGBO License Partnership, G.P.
WLII(TV), Caguas, Puerto Rico (FIN: 19777), WLII/WSUR License Partnership, G.P.
WLTV(TV), Miami, Florida (FIN: 73230), WLTV License Partnership, G.P.
WOTF-TV, Melbourne, Florida (FIN: 5802), Telefutura Orlando, Inc.
WQHS-TV, Cleveland, Ohio (FIN: 60556), Univision Cleveland LLC
WSUR-TV, Ponce, Puerto Rico (FIN: 19776), WLII/WSUR License Partnership, G.P.
WUTF-TV, Marlborough, Massachusetts (FIN: 60551), Telefutura Boston LLC
WUVC-TV, Fayetteville, North Carolina (FIN: 16517), WUVC License Partnership, G.P.
WUVG-TV, Athens, Georgia (FIN: 48813), Univision Atlanta LLC
WUVP-TV, Vineland, New Jersey (FIN: 60560), Univision Philadelphia LLC
WXFT-TV, Aurora, Illinois (FIN: 60539), Telefutura Chicago LLC
WXTV(TV), Paterson, New Jersey (FIN: 74215), WXTV License Partnership, G.P.

EXHIBIT 2

TECHNICAL EXHIBIT
SUPPORTING THE COMMENTS FROM
UNIVISION COMMUNICATIONS INC.
STATION WFUT-DT (FACILITY ID 60555)
NEWARK, NEW JERSEY
CHANNEL 30

Technical Narrative

This Technical Exhibit supports the comments from Univision Communications Inc., the ultimate parent of station WFUT-DT, which currently operates on channel 53 at Newark, NJ (Facility ID 60555). These comments address the Federal Communications Commission (FCC) Seventh Further Notice of Proposed Rule Making (7th FNPRM) in MB Docket No. 87-268. Specifically, it is requested that the FCC substitute channel 30 for the Tentative Channel Designation (TCD) of channel 41 for WFUT-DT at Newark.

Station WFUT-DT is currently licensed to operate on channel 53 (BLCDDT-20040809AAX) with a maximum effective radiated power (ERP) of 310 kW and an antenna height above average terrain (HAAT) of 321 meters. The antenna center of radiation is 321 meters above ground level (AGL), and 336 meters above mean sea level (AMSL). The transmitter site coordinates are 40-45-22, 73-59-12 (NAD-27). The FCC antenna structure registration number is 1238745.

The FCC's 7th FNPRM proposes channel 41 as WFUT-DT's TCD for post transition DTV operation. The FCC's proposed DTV allotment on channel 41 specifies an ERP of 235 kW-DA and antenna HAAT of 321 meters at site coordinates of 40-45-22, 73-59-12. As detailed below, operation on WFUT-DT's TCD with the facilities set forth in the 7th FNPRM will not permit WFUT-DT to construct full, authorized DTV facilities. As a result, the facilities specified in the TCD do not permit replication of the population served by the

presently licensed WFUT-DT facility, which were "certified" on FCC Form 381 (BCERCT-20041105BAM) in November 2004, as only 97.0% replication is provided. The 7th FNPRM, at paragraph 25, indicates that the Commission will consider alternative channel assignment requests for licensees unable to construct full, authorized DTV facilities on the TCDs that they requested and received because, in order to provide interference protection requirements to other TCDs on their preferred channel, they had to agree to construct facilities that are smaller than the facilities to which they certified on FCC Form 381. Therefore, it is proposed to change the DTV assignment to channel 30 which will more closely replicate (98.7% replication) WFUT-DT's currently licensed operation (BLC DT-20040809AAX). Specifically, it is proposed to operate on channel 30 with an ERP of 200 kW-DA and antenna HAAT of 321 meters at site coordinates of 40-45-22, 73-59-12 (current TCD site).

It is requested that the Commission modify the proposed Appendix B DTV Table of Allotment specifications to the following:

Facility ID	State & City		NTSC	DTV								
			Chan	Chan	ERP (kW)	HAAT (m)	Latitude (DDMMSS)	Longitude (DDMMSS)	Area (sq km)	Population (thousand)	Percent 1X Received	
60555	NJ	NEWARK	68	30	200	321	404522	735912	18,009	17,565	2.0	
Rotation: 0												
0°	0.656		90°		0.590		180°		0.502		270°	0.746
10°	0.908		100°		0.596		190°		0.395		280°	0.996
20°	0.830		110°		0.701		200°		0.285		290°	0.744
30°	0.795		120°		0.473		210°		0.604		300°	0.802
40°	0.704		130°		0.536		220°		0.542		310°	0.793
50°	0.621		140°		0.279		230°		0.607		320°	0.788
60°	0.841		150°		0.407		240°		0.785		330°	0.900
70°	0.583		160°		0.489		250°		0.757		340°	0.658
80°	0.577		170°		0.408		260°		0.746		350°	0.663
Additional Azimuths			227°		0.231		311°		1.000			

An engineering analysis was conducted for the proposed WFUT-DT operation to determine the predicted interference to all other licensee's potentially affected tentative channel designations (TCD's). The analysis calculated net new predicted interference

according to the procedures outlined by the FCC in the *Second DTV Periodic Report and Order*¹ and related Public Notices. The results of the analysis are summarized as follows:

Post-Transition DTV Allotment Facility	New WFUT-DT interference
WUVP-DT, Ch. 29, Vineland, NJ	0 people (0%)
WFME-DT, Ch. 29, West Milford, NJ	12,924 people (0.09%)
WBZ-DT, Ch. 30, Boston, MA	0 people (0%)
WSKA-DT, Ch. 30, Coming, NY	91 people (0.02%)
WUTR-DT, Ch. 30, Utica, NY	0 people (0%)
WGCB-DT, Ch. 30, Red Lion, PA	0 people (0%)
WNVN-DT, Ch. 30, Goldvein, NY	0 people (0%)
WTIC-DT, Ch. 30, Hartford, CT	0 people (0%)
WPPX-DT, Ch. 31, Wilmington, DE	0 people (0%)
WPXN-DT, Ch. 31, New York, NY	1,936 people (0.01%)

WFUT-DT's licensed and certified facilities are predicted to serve 17,801,759 persons², whereas the WFUT-DT channel 41 TCD facilities are predicted to serve 17,261,000 persons (97.0% replication)³. Thus, if the FCC requires WFUT-DT to operate on its TCD, there will be a service loss to 540,759 persons. Station WFUT-DT was not able to replicate its licensed operation on channel 41 due to causing excessive interference (more than 0.1%) to other stations' election's and, in order to comply with the 0.1% interference threshold, WFUT had to significantly modify its directional antenna pattern.⁴ However, the proposed WFUT-DT operation on channel 30 more closely replicates the currently licensed facility as it is predicted to serve 17,565,269 persons (98.7% replication). Thus, if the FCC allows WFUT-DT to operate on channel 30, there will be a service gain to 304,269 persons.

¹ *Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, MB Docket No. 03-15, Report and Order, 19 FCC Rcd 18279, 18281 (2004).

² From Table II of the FCC Public Notice entitled "DTV Channel Election Information and First Round Election Filing Deadline" released December 21, 2005 (DA 04-3922).

³ From Table B of the 7th FNPRM.

⁴ It is noted that WFUT-DT elected channel 41 in the First Round of the channel election process based on its assessment of which channels were, or might become, available at that time. However, changes in

Based on the foregoing, the FCC is respectfully requested to change the WFUT-DT specified allotment facility as described herein.



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circumstances, in particular the unanticipated return of WPXN-DT to channel 31, permit better duplication of certified service population on channel 30.